

**REMARKS**

Claims 1, 2 and 4-26 are pending. Claim 13 has been amended so as to be in independent form. Claims 5-11 have been withdrawn from consideration. Favorable reconsideration is requested.

Claim 13 was indicated as allowable if rewritten in independent form. Since that claim has been so amended, an indication of its allowance is requested.

Claims 1, 2, 14-18, 21, 22 and 24 were rejected under 35 U.S.C. 103 over U.S. Patent 6,125,144 (Matsumura et al.) in view of U.S. Patent 6,192,148 (Lin). Claims 19 and 20 were rejected under 35 U.S.C. 103 over Matsumura et al. and Lin and further in view of U.S. Patent 5,583,573 (Asamura et al.). Claim 23 was rejected under 35 U.S.C. 103 over Matsumura et al. and Lin and further in view of U.S. Patent 4,754,492 (Malvar). Claims 25 and 26 were rejected under 35 U.S.C. 103 over Matsumura et al. Claim 4 was rejected under 35 U.S.C. 103 over Matsumura et al. in view of U.S. Patent 4,984,076 (Watanabe et al.). Claim 12 was rejected under 35 U.S.C. 103 over Matsumura et al. in view of U.S. Patent 4,651,206 (Ohki). Applicant submits that the independent claims under consideration are patentable for at least the following reasons.

Claim 1 recites, inter alia, block significance determining means for determining block significance for each block as an encoding unit of the input image signals according to predetermined evaluation indices. The block significance determining means calculates for each block a block feature that indicates picture quality other than a variance of each block.

In the Office Action it was conceded that Matsumura did not teach this feature. That is, among the structure missing from Matsumura is a block significance determining means that functions as recited in claim 1. To remedy this deficiency would require, at the

very least, some teaching in the prior art of block significance determining means that functions exactly as recited in claim 1.

However, rather than find such a teaching, the Examiner relied upon Lin, which contains no teaching of block significance determining as recited. Moreover, there is nothing in Matsumura that would have provided any motivation whatsoever to change its method of block significance determination to indicate a picture quality other than a variance of each block.

The Examiner stated that because a block feature relating to picture quality is shown in Lin, that “therefore” it would have been obvious to modify Matsumura to add picture quality “as an alternative way to compute an accurate/precise assessment of the activity (quality) of the blocks.” However, this statement does not meet the threshold for a motivation since it is not based on anything in the prior art. Matsumura shows no recognition that there is anything additional that needs to be done in its block significance determination. Lin shows no recognition that combining these features would be of any advantage.

The two references teaches separate features and provide no motivation to combine those features into a single unit, as claimed. Simply stating that a combination would be more “accurate/precise” does not even approach the requirement for providing a motivation. If the fact that a proposed combination might be considered, when viewed with improper hindsight, to be advantageous met the test for motivation, then no advantageous claim would ever be patentable. Of course, this is not what Section 103 intended.

For at least this reason, no prima facie case of obviousness has been established. Claim 1 is therefore believed clearly patentable over the cited references.

Claims 14-18 recite similar features and are believed patentable for substantially similar reasons.

Claim 4 recites, inter alia, that the block significance determining means calculates for each block a block feature which is a quantity indicating power of a signal obtained by passing intra-block through a band-pass filter, and compares the block feature with one or more threshold values and thereby generates block significance for each block.

The Office Action concedes that Matsumura does not provide any teaching of this feature. However, Watanabe was relied upon to remedy this deficiency. This is incorrect.

Watanabe does *not* disclose calculating power of a band-pass filtered signals for the block. Rather, Watanabe discloses that the amount of data for each block can be computed on the basis of the variance as a result of band-pass filtering and with consideration of human visual characteristics of the block. Col. 12, lines 26-30. Watanabe also discloses that the amount of data for each block can be made on the basis of the “power of all the transformation coefficients” which “weighting may be done to part of the coefficients in view of the visual characteristic.” Col. 12, lines 30-35.

Moreover, Watanabe does not disclose selecting between inter-frame and intra-frame coding whatsoever. Watanabe teachings relate to the amount of data needed to encode each block in a frame based on the characteristics of the block, not to which mode should be used to encode the block.

For at least the foregoing reasons, claim 4 is believed clearly patentable over the cited references.

Claim 12 recites, inter alia, that the apparatus comprises a refresh history determining means that refers “to history of the refresh map signal and a refresh signal, modifying a value of forced refreshed priority indicated by the refresh map signal, and thereby generating a modified refresh map signal.” The refresh history determining means is neither taught nor suggested in the cited references.

In particular, as admitted by the Office Action, Matsumura does not teach refresh history determining means for temporarily keeping therein the refresh map signal. Okhi was relied upon to remedy this deficiency. This is incorrect.

As was pointed out previously, Okhi discloses an inter-frame coding apparatus that uses a register 21 (Figure 4) to inhibit motion compensation in blocks that have just been refreshed. The inhibited motion compensation helps to reduce or eliminate the possibility that an error in the signal is magnified. Okhi does *not* teach referring to the history of the refresh map signal, as in claim 12.

The Office Action appears to take the position that element 21 from Figure 4 temporarily keeps therein the refresh map signal referring to a history of the refresh map signal. In fact, what Okhi teaches is a delaying of the refresh execution signal by a period of end lines in response to a set pulse which is supplied from control circuit 17 through signal line 20. See Okhi, column 4, lines 11-27 and Fig. 3. There is no teaching or suggestion of a refresh history determining means that refers to history of the refresh map signal and a refresh signal, modifying a value of forced refreshed priority indicated by the refresh map signal, and thereby generating a modified refresh map signal, as in claim 12. It is completely improper to examine the “gist” of a claim, without according patentable weight to each and every word of the claim, which is what appears to have been done in the Office Action, as is evidenced above.

For at least the foregoing reasons, even if the references are combined, they do not meet all of the limitations of claim 12. Claim 12 is believed clearly patentable over the cited references.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the

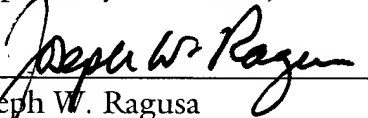
invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Entry of this amendment is proper under 37 C.F.R. 1.116 since it merely places an claim already indicated as allowable into independent form.

In view of the above amendment and remarks, applicant believes the pending application is in condition for allowance.

Dated: April 28, 2005

Respectfully submitted,

By   
Joseph W. Ragusa

Registration No.: 38,586  
DICKSTEIN SHAPIRO MORIN &  
OSHINSKY LLP  
1177 Avenue of the Americas  
41st Floor  
New York, New York 10036-2714  
(212) 835-1400  
Attorney for Applicant